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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,990	03/12/2004	Vijay Deshmukh	5693P043	6882
48102	7590	05/01/2008		
NETWORK APPLIANCE/BLAKELY			EXAMINER	
1279 OAKMEAD PARKWAY			WU, YICUN	
SUNNYVALE, CA 94085-4040				
			ART UNIT	PAPER NUMBER
			2165	
			MAIL DATE	DELIVERY MODE
			05/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/798,990

Applicant(s)

DESHMUKH ET AL.

Examiner

YICUN WU

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-28 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-28 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____
- 7) ☐ Notice of Informal Patent Application
- 8) ☐ Paper No(s)/Mail Date 1-10-08, 12-7-07

DETAILED ACTION

1. Claims 1-13, 16-28 and 30-33 are presented for examination.

Response to Applicant' Remarks

2. Applicant's arguments filed on 12-20-2007 with respect to the rejected claims in view of the cited references have been fully considered but they are moot in view of the new grounds of Rejections.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4, 5, 9, 10, 12, 13, 17-20, 22-27 and 30-33, are rejected under 35 U.S.C. 102(e) as being anticipated over Duggan et al., (U. S. Patent No. 6,571,257 and Duggan hereinafter).

As to claims 1,9,17-20, 22-24, 27-28 and 30-32, Duggan discloses a method for collecting information from a storage server managed by use of multi-appliance management application (MMA) (i.e. storage management application. Fig. 1), the method comprising:

Using an agent (i.e. data collection agent. Col. 3, lines 54-56) to scan the storage server (i.e. data collection. Col. 3, lines 54-56) and to collect information (i.e. data collection. Col. 3, lines 54-56) regarding files stored by the storage server (i.e. file system col. 3, lines 54-60), wherein the agent is a separate device (fig. 1, item 115) from the storage server (i.e. file system col. 3, lines 54-60) and the MMA (i.e. storage management application. Fig. 1); and

summarizing the information and creating a summary (aggregating storage information across multiple managed hosts 105 and presenting results to the system manager. Col. 4, lines 14-18) by using the agent (i.e. data collection agent. Col. 3, lines 54-56), and

storing the summary on a database server (i.e. composite SRM data repository. col. 4, lines 13-14).

As to claims 2,10,18 and 25, Duggan discloses analyzing the files and generating statistics regarding the files (aggregating storage information across multiple managed hosts 105 and presenting results to the system manager. Col. 4, lines 14-18).

As to claims 4,12 and 26, Duggan discloses wherein the statistics comprise a number of files, a size of files, and an average access time of files (aggregating storage information across multiple managed hosts 105 and presenting results to the system manager. Col. 4, lines 14-18).

As to claims 5 and 13, Duggan discloses transferring the summary to the MMA before storing the summary on the database Server (i.e. transfers the data. Col. 4, lines 9-18).

As to claims 31 -33, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 3, 6, 7, 11, 21 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duggan in view of Horn (US Patent Publication No. 2005/0050269).

As to claim 3,6,7,11,21 and 28, Duggan analyzing files and generating file statistics data in a database/table (i.e. statistics. Col. 15, lines 56-60).

Duggan does not explicitly teach generating histogram from the collected information/statistics for visualization.

Horn teaches generating histogram from the collected information/statistics for visualization (paragraph [0011]).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Han to include generating histogram from the collected information/statistics for visualization.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Duggan as modified with the teachings of Horn to include generating histogram from the collected information/statistics for visualization with the motivation to organize storage system data in real time (Horn, paragraph [0010]).

5. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kao as modified in view of Dave Marshall, Threads: Basic Theory and Libraries, may 1999, pages 232 and hereinafter referred to as Marshall.

As to claims 8 and 16, the teaching of Duggan as modified has been discussed above.

Duggan as modified does not teach using threads.

Marshall teaches using threads (page 4).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Han to include using threads.

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Duggan as modified with the teachings of Marshall to include using threads with the motivation to use fewer system resources, improve program structure and also improve application responsiveness (Marshall, page 4).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant's amendment necessitated the new ground(s) of rejection presented in this office action. Accordingly, *THIS ACTION IS MADE FINAL*. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory- period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136 (a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply-expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHRISTIAN CHACE can be reached on 571-272-4190. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu
Patent Examiner
Technology Center 2100

April 25, 2008

/Yicun Wu/

Primary Examiner, Art Unit 2165